

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

GENE GRASLE, et al.,)
)
 Plaintiffs,)
)
 vs.) Case No. 4:16 CV 651 CDP
)
 MERCY HEALTH, et al.,)
)
 Defendants.)

SALLY SANZONE, et al.,)
)
 Plaintiffs,)
)
 vs.) Case No. 4:16 CV 923 CDP
)
 MERCY HEALTH, et al.,)
)
 Defendants.)

MEMORANDUM AND ORDER

I have reviewed the briefs and information submitted by the party plaintiffs in support of their respective positions on the appointment of interim lead counsel in this action. Having fully considered each plaintiff's position, I conclude that both counsel groups are adequate but that Ron Kilgard of Keller Rohrback L.L.P. and Karen L. Handorf of Cohen Milstein Sellers & Toll, PLLC, are best able to represent the interests of the class. Fed. R. Civ. P. 23(g)(2).

With respect to the appointment of interim liaison counsel, plaintiff Sanzone requests in her motion that Rhona S. Lyons of Schuchat Cook & Werner be appointed, and attorney Lyons submitted an affidavit attesting to her ability to act in this capacity. I note, however, that plaintiff Sanzone also submitted the affidavit of James I. Singer – also of Schuchat Cook & Werner – attesting to his ability to meet the responsibilities required of him if he was to be appointed interim liaison counsel in this action. I have reviewed both affidavits and conclude that both attorneys are capable of acting in this capacity. I will therefore appoint both as interim liaison counsel.

Accordingly,

IT IS HEREBY ORDERED that plaintiff Gene Graslé's Motion for Entry of Pretrial Order Appointing Kessler Topaz Meltzer & Check, LLP and IZARD Kindall & Raabe LLP as Interim Co-Lead Class Counsel, and Appointing Dysart Taylor Cotter McMonigle & Montemore, P.C. as Interim Liaison Class Counsel [ECF 31 in 4:16CV651; ECF 69 in 4:16CV923] is **DENIED**.

IT IS FURTHER ORDERED that plaintiff Sally Sanzone's Motion to Appoint Interim Lead Plaintiff and Appoint Interim Co-Lead Counsel [ECF 35 in 4:16CV651; ECF 76 in 4:16CV923] is **GRANTED** to the extent it requests that Ron Kilgard of Keller Rohrback L.L.P. and Karen L. Handorf of Cohen Milstein Sellers & Toll, PLLC, be appointed as interim co-lead counsel, and that counsel

from Schuchat Cook & Werner be appointed as interim liaison counsel. To the extent Sanzone requests that she be appointed as interim lead plaintiff, the motion is **DENIED WITHOUT PREJUDICE**. The parties may address this issue in their joint proposed scheduling plan and at the scheduling conference.

IT IS FURTHER ORDERED that Ron Kilgard of Keller Rohrback L.L.P. and Karen L. Handorf of Cohen Milstein Sellers & Toll, PLLC, are appointed as interim co-lead counsel; and James I. Singer and Rhona S. Lyons of Schuchat Cook & Werner are appointed as interim liaison counsel.

IT IS FURTHER ORDERED that interim co-lead counsel shall have authority over the following matters on behalf of all plaintiffs in this consolidated action: (1) convening meetings of counsel; (2) initiating, responding to, scheduling, briefing, and arguing of all motions; (3) determining the scope, order, and conduct of all discovery proceedings; (4) assigning such work assignments to other counsel as they may deem appropriate; (5) retaining experts; (6) designating which attorneys may appear at hearings and conferences with the Court; (7) conducting settlement negotiations with defendants; and (8) all other matters concerning the prosecution or resolution of the consolidated actions. Additionally, interim co-lead counsel shall have the authority to communicate with defense counsel and the Court on behalf of all plaintiffs and the proposed class. Interim liaison counsel is charged with administrative matters, such as facilitating

necessary communications between the Court and all counsel and advising all parties of developments in this consolidated action.

This matter remains set for a telephone scheduling conference on **Thursday, August 18, 2016, at 11:00 a.m.** Defense counsel is responsible for arranging the call and having all necessary counsel on the line before contacting my chambers at (314)244-7520.



CATHERINE D. PERRY
UNITED STATES DISTRICT JUDGE

Dated this 4th day of August, 2016.